

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SUSQUEHANNA COMMERCIAL FINANCE, INC.</b>	:	<b>No. 1:09-CV-2012</b>
	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>(Judge Conner)</b>
	:	
<b>VASCULAR RESOURCES, INC.,</b>	:	<b>(Magistrate Judge Carlson)</b>
	:	
<b>Defendant.</b>	:	

**MEMORANDUM AND ORDER**

The background of this order is as follows:

This action was removed by the defendant from the Court of Common Pleas of York County on October 16, 2009. (Doc. 1.) Following removal of this case, the parties filed competing motions, with the plaintiff seeking a preliminary injunction (Doc. 7), and the defendant seeking to dismiss the complaint. (Doc. 6.) The Court has lodged a report and recommendation addressing these motions (Doc. 23), but the defendant has not yet filed an answer to the complaint.

On November 30, 2009, the plaintiff filed a motion for leave to amend the plaintiff's complaint to add various causes of action, and to name an additional defendant, Bruce Wallace. (Doc. 18.) The plaintiff filed a brief in support of this motion on December 7, 2009 (Doc. 22), and the defendant has now filed its own

brief relating to this motion on December 21, 2009. (Doc. 26) In that brief, the defendant vigorously denies the allegations set forth in the amended complaint, but does not contest that the plaintiff is entitled to amend the complaint at this early stage in these proceedings. (Id.)

We agree that the motion for leave to amend should be granted. Such motions are governed by Rule 15(a) of the Federal Rules of Civil Procedure, which strongly favors amendment of pleadings at the outset of litigation and provides that a party may on one occasion amend a pleading, “as a matter of course at any time before a responsive pleading is served.” Rule 15(a), F.R. Civ. P. In this case the plaintiff timely filed an amended complaint. Therefore, the plaintiff should be entitled under Rule 15 to be granted leave to amend this complaint. Of course, nothing in this decision implies any views on the ultimate merits of the issues raised in the amended complaint, an issue that the defendant has expressly reserved for another time.

Accordingly, for the foregoing reasons, **IT IS ORDERED** that the plaintiff is **GRANTED** leave to file and serve an amended complaint in this action. The plaintiff shall forthwith file and serve the amended complaint which was appended to the plaintiff’s motion for leave to file (Doc 18-1.)

SO ORDERED, this 22d day of December, 2009.

*S/Martin C. Carlson*

**United States Magistrate Judge**